

TEMKIN WIELGA & HARDT LLP

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Denver, Colorado 80202

December 12, 2011

VIA EMAIL & REGULAR MAIL

Regional Freedom of Information Officer

U.S. EPA, Region 8

1595 Wynkoop Street

Denver, CO 80202-1129

E-mail: r8foia@epa.gov

Re: Freedom of Information Act Request

To Whom It May Concern:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, the United States Environmental Protection Agency's ("EPA") FOIA implementing regulations, 40 C.F.R. Part 2, and any other applicable federal statutes, rules and regulations, Temkin Wielga & Hardt, LLP ("TWH") hereby requests the following records^{1,2} from EPA related to EPA's investigation of water quality conditions in the Pavillion Field area in Fremont County, Wyoming:

1. Attachment 1 (the Monitoring Well Installation Work Plan Narrative) to the May 2010 Final Monitoring Well Installation Work Plan, Pavillion, Wyoming.
2. All records associated with the drilling, installation, or sampling of the two EPA deep monitoring wells. This request includes all records related to the analysis of cuttings, drilling mud and drilling fluids from samples of them taken at the time of drilling; related to the analysis of water used during drilling, well development or sampling; related to the analysis of water used (during drilling, installation, or sampling) after the time at which it was delivered to the EPA deep well locations and/or after its on-site storage; and also includes those related to sample preparation and QA/QC for those analyses.

¹ "Records" as used herein is employed in its broadest sense and includes, but is not limited to, the original, each draft, and any non-identical copies of any written, recorded, electronic or graphic material of any kind, whether prepared by you or by any other person, that are in your possession, custody, or control or that of your agents, attorneys, or accountants.

² In accordance with the President's directive in the January 21, 2009 Memorandum For The Heads of the Executive Departments and Agencies, EPA is required to provide records in a "form that the public can readily...use." Thus, please provide these records in their original form and in a format that can be manipulated.

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3. All records of the methods and materials used in drilling the two EPA deep wells to join lengths of well casing together and the methods and chemicals used to clean and decontaminate well casing and down hole drilling and monitoring equipment before its being placed down hole, including verification swab samples.
4. All records on disposal of cuttings, drilling fluids, muds and other materials, and any other products or chemicals used in drilling and installation of the two EPA deep monitoring wells.
5. MSDSs for all products and other chemicals used in connection with drilling, installation, cleaning and decontamination, and sampling of the two EPA deep wells, including drilling chemicals, pipe dopes, solvents, cleaners, adhesives (including electrical or other tape), lubricants, and sealing agents.
6. Product specifications, including model names and numbers, and equipment serial numbers where applicable, for all equipment installed or placed in either of the two EPA deep monitoring wells, including pumps, motors, fittings, cements, grouts, steel, pipe dopes, down hole measurement equipment and cable, and other data loggers.
7. All records related to the Sampling and Analysis Plans, Quality Management Plans, and Quality Assurance Project Plans associated with the October 2010 Field Sampling Event, including documents, emails, or correspondence internal or external to EPA, related to the review and approval of these plans.
8. All records related to EPA's soil gas sampling efforts in the Pavillion Field area or any evaluation of the same.
9. All records concerning the source and preparation of the standards used for adamantane, 1,3-dimethyldamantane, 2-butoxyethanol, tris(2-butoxyethyl) phosphate, squalene, and terpinol in water samples from the Pavillion Field area.
10. All records related to the analytical method development done by the Robert S. Kerr Environmental Research Center ("Kerr") or Shaw Environment and Infrastructure Inc. ("Shaw") for all methods used in connection with water samples from the Pavillion Field area, including how detection limits were set.
11. All records related to the discrepancies in reporting limits and detections between or among the analytical results from EPA Region 3 (including the Region 3

Laboratory), EPA Region 8 (including the Region 8 Laboratory), Kerr, Shaw, and/or any other laboratory that EPA had analyze water samples from the Pavillion Field area.

12. All records related to the laboratory reports from Kerr or Shaw for water samples from the Pavillion Field area, including the full laboratory reports.
13. All records related to the chromatograms from EPA Region 8 (including the Region 8 Laboratory), EPA Region 3 (including the Region 3 Laboratory), Kerr Shaw, and/or any other laboratory that EPA had analyze water samples from the Pavillion area for all water samples from the Pavillion Field area and any records that provide an explanation for the reason the chromatograms are not available [Note: the only chromatograms provided to date are from Region 8 and are only for GRO/DRO and the "normal" 8260 and 8270 lists.]
14. All records related to mass spectra from EPA Region 8 (including the Region 8 Laboratory), EPA Region 3 (including the Region 3 Laboratory), Kerr, Shaw, and/or any other laboratory that EPA had analyze water samples from the Pavillion area for all water samples analyzed from the Pavillion Field Area using GC/MS, HPLC or equivalent methods, and any records that provide an explanation for the reason a mass spectra was not performed or available.
15. All records reflecting communications within EPA Region 8 (including the Region 8 Laboratory) regarding the Pavillion Field area.
16. All records reflecting communications with personnel at Kerr and/or Shaw regarding the Pavillion Field area.
17. All records reflecting communications with personnel at EPA Region 3 (including the Region 3 Laboratory) regarding the Pavillion Field area.
18. All records reflecting communications with EPA Headquarters regarding the Pavillion Field area.
19. All records reflecting communications with ATSDR regarding the Pavillion Field area, including: their analysis of EPA Region 8's Extended Site Investigation data for Pavillion area wells; the preparation of the August 31, 2010 "Health Consultation for Private Residential Well Water in the Pavillion Field;" and the preparation for the ATSDR presentation at the August 31, 2010 public meeting.

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20. All records reflecting communications with private individuals, news outlets, reporters or media representatives, non-profit organizations or advocacy groups, or government officials (including local, state and federal executive or legislative branches) related to the Pavillion Field area.

If any part of this/these record(s) is not produced based on a claim of privilege or other exemption from disclosure, please prepare a privilege and/or exemption log describing, at a minimum: (i) the type of record withheld; (ii) the dates of creation of the record; (iii) the subject of the record; (iv) identity of the author and all recipients of the record; (v) the names of all people, entities and locations referenced in the record; and (vi) a detailed description of the basis upon which EPA is withholding the record and which specific statutory and regulatory provisions support the withholding. To the extent any responsive documents are withheld based upon a claim of privilege or exemption, please produce redacted copies of all non-privileged or non-exempt material contained within such documents.

EPA has twenty (20) business days to respond to this FOIA request. TWH confirms its willingness to pay reasonable costs associated with searching for, and copying the requested material; however, should these costs exceed \$250, please contact me prior to proceeding.

Please contact me with any inquiries, notices or determinations at the address or telephone number above (or at 303-382-2901) or by email at brown@twhlaw.com.

Sincerely,



Linnea ("Nea") Brown

cc: T. Sitz
A. Lensink